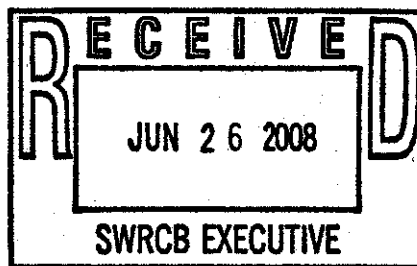


June 26, 2008



Ms. Tam Doduc, Chair and Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Via Electronic Mail & Facsimile

Attn: Jeanine Townsend, Clerk to the Board
(commentletters@waterboards.ca.gov)

RE: **Comment Letter – Landscape Irrigation General Permit**

Dear Chair Doduc and Members of the Board:

Thank you for the opportunity to respond to the Board's request for comment on the scope of the proposed Landscape Irrigation General Permit for the purposes of complying with the California Environmental Quality Act (CEQA). Based on our review of the project discussion paper and the materials presented at the June 18 scoping meeting, as well as our discussion with various meeting participants, the City concurs with the opinion of the California Section of the WaterReuse Association that any statewide permit adopted as a consequence of AB 1481 must be based on a straightforward application of existing regulations that simplifies the application process and encourages agencies to use recycled water.

The City of San José is the lead agency responsible for operating South Bay Water Recycling (SBWR), the largest urban nonpotable water recycling project in northern California. In 2007 SBWR distributed over 10,000 acre-feet of high quality recycled water for irrigation and industrial use to more than 550 customers. Since beginning recycled water distribution in 1997, SBWR has operated under an individual permit from the San Francisco Bay Regional Water Quality Control Board (Order 95-117 dated May 24, 1995). The permit specified uses and water quality standards with reference to the provisions of CCR Title 22 as administered by the California Department of Health Services (now Department of Public Health) and provided an appropriate self-monitoring program.

It is our understanding that in requiring the adoption of a statewide general permit for landscape irrigation with recycled water, Assembly Bill 1481 (De La Torre) attempts to correct what it characterizes as inconsistent regulation that "appears to have led to the imposition of overly restrictive water recycling requirements and added costs, thereby creating an obstacle to achieving the full potential for water reuse." Consequently, it would appear that the ultimate goal of the current effort and therefore its scope with respect to CEQA compliance is to increase the amount of recycled water applied for landscape irrigation in California as compared with what might otherwise occur.

Participating Agencies

City of San Jose

City of Santa Clara

City of Milpitas

West Valley
Sanitation District

San Jose Sanitary District

Cupertino Sanitary District

San Jose Sanitary District

County Sanitation
District No. 2-3

San Jose Water Company

Great Oaks Water Company

Santa Clara Valley
Water District

United States Bureau of
Reclamation

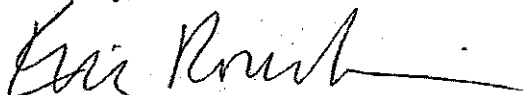
June 26, 2008

As such, we agree with the California Section of the Water Reuse Association that "the scope of the project should be clearly defined as developing a permit that encourages and facilitates the use of recycled water for landscape irrigation." We further note that, should the present effort result in a statewide permit that is more restrictive than those available to agencies currently using recycled water it would fall outside the scope of the project insofar as it would have the effect of discouraging rather than encouraging the use of recycled water.

In order to ensure that a statewide permit accomplishes the goal of increasing the amount of recycled water used for landscape irrigation, we further recommend that the State Water Resources Control Board directly involve in its development and review agencies like the City of San Jose that already operate recycled water systems under existing permits. By inquiring whether a given regulatory regime would have the effect of facilitating or complicating their current operation the Board will obtain critical information about the usefulness of any proposed permit in advance of its adoption.

Thank you again for the opportunity to comment on the scope of the present effort. We will be happy to comment further on draft permits as they are developed, and we look forward to working with you in the coming months.

Sincerely,



Eric Rosenblum, PE
Division Manager
South Bay Water Recycling
Environmental Services Department
City of San Jose